

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JUL 26 2011
PUBLIC SERVICE
COMMISSION

In the Matter of:

| | | | |
|----|---------------------------------|---|------------|
| | ROSALIND COLE |) | |
| | |) | |
| | COMPLAINANT |) | |
| V. | |) | CASE NO. |
| | |) | 2011-00219 |
| | KENTUCKY-AMERICAN WATER COMPANY |) | |
| | |) | |
| | RESPONDENT |) | |

**PETITION OF KENTUCKY-AMERICAN WATER COMPANY
FOR CONFIDENTIAL PROTECTION**

Kentucky-American Water Company (KAW) hereby petitions the Kentucky Public Service Commission (“Commission”) pursuant to 807 KAR 5:001, Section 7 and KRS 61.878(1)(a) to grant confidential protection for the items described herein, which KAW has provided in support of its Answer to the Complaint of Rosalind Cole. In support of this Petition, KAW states as follows:

1. The Kentucky Open Records Act exempts from disclosure certain information of a personal nature where public disclosure would constitute a clearly unwarranted invasion of personal privacy. KRS 61.878(1)(a).

2. In its Answer, KAW attached copies of letters from KAW to Ms. Cole and a copy of the ledger information report for Ms. Cole’s account. This information contains the customer’s account number and merits confidential protection because KAW believes that revealing this information in the public record could result in an unwarranted invasion of personal privacy.

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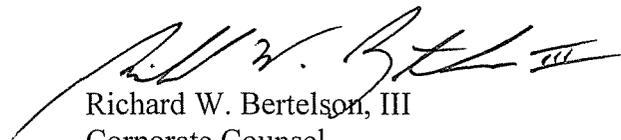
3. If the Commission disagrees with this request for confidential protection, however, it must hold an evidentiary hearing (a) to protect KAW's due process rights and (b) to supply the Commission with a complete record to enable it to reach a decision with regard to this matter. Utility Regulatory Commission v. Kentucky Water Service Company, Inc., Ky. App., 642 S.W.2d 591, 592-94 (1982).

4. KAW will disclose the confidential documents, pursuant to a protective agreement, to intervenors and others with a legitimate interest in this information and as required by the Commission. In accordance with the provisions of 807 KAR 5:001 Section 7, KAW herewith files with the Commission one copy of the above-discussed documents with the confidential information highlighted and ten (10) copies of its response with the confidential information redacted.

WHEREFORE, Kentucky-American Water Company respectfully requests that the Commission grant confidential protection for the information at issue, or in the alternative, schedule an evidentiary hearing on all factual issues while maintaining the confidentiality of the information pending the outcome of the hearing.

Dated July 22, 2011

Respectfully Submitted,



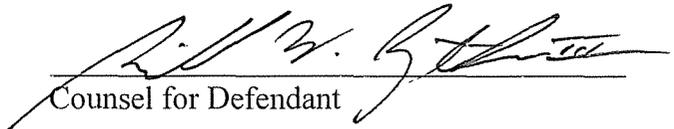
Richard W. Bertelson, III
Corporate Counsel
Kentucky-American Water Company
2300 Richmond Road
Lexington, Kentucky 40502
(859) 268-6367

Counsel for Kentucky-American Water Company

CERTIFICATE OF SERVICE

This is to certify that the original and 10 copies of the foregoing Petition for Confidential Protection have been filed on this 22nd day of July 2011 at the Public Service Commission and that a true and accurate copy of same has been served via U.S. mail, return service requested, on the 22nd day of July 2011, upon the following:

Rosalind Cole
The Waldorf-Astoria Towers
100 E. 50th Street
New York, NY 10022-6848


Counsel for Defendant

Kentucky American (KYPR) Production

Ledger Information Report

Account # 265577-7 Carlton Cole

| Bill Date | Type | Amount | Balance |
|-----------------|----------------------|------------|----------|
| Service Address | 3177 Russell Cave Rd | | |
| 7/20/2011 | CHG | 263.19 | 5,298.68 |
| 6/20/2011 | CHG | 182.99 | 5,035.49 |
| 6/08/2011 | LKB | 1,346.18CR | 4,852.50 |
| 5/23/2011 | CHG | 2,692.36 | 6,198.68 |
| 5/12/2011 | LKB | 500.00CR | 3,506.32 |
| 5/11/2011 | LKB | 400.00CR | 4,006.32 |
| 4/25/2011 | LKB | 500.00CR | 4,406.32 |
| 4/19/2011 | CHG | 541.12 | 4,906.32 |
| 3/25/2011 | LKB | 500.00CR | 4,365.20 |
| 3/21/2011 | CHG | 732.29 | 4,865.20 |
| 3/18/2011 | CHG | 1,106.96 | 4,132.91 |
| 2/28/2011 | LKB | 400.00CR | 3,025.95 |
| 2/17/2011 | CHG | 299.09 | 3,425.95 |
| 2/01/2011 | TRF | 400.00CR | 3,126.86 |
| 11/29/2010 | LKB | 300.00CR | 3,526.86 |
| 11/22/2010 | CHG | 181.99 | 3,826.86 |
| 11/18/2010 | CHG | 47.99 | 3,644.87 |
| 10/20/2010 | CHG | 1,000.75 | 3,596.88 |
| 9/21/2010 | LKB | 257.14CR | 2,596.13 |
| 9/21/2010 | CHG | 223.39 | 2,853.27 |
| 8/27/2010 | TRF | 241.79CR | 2,629.88 |
| 8/19/2010 | CHG | 257.14 | 2,871.67 |
| 7/21/2010 | CHG | 241.79 | 2,614.53 |
| 6/28/2010 | LKB | 277.50CR | 2,372.74 |
| 6/22/2010 | TRF | 224.18CR | 2,650.24 |
| 6/18/2010 | CHG | 81.50 | 2,874.42 |
| 5/27/2010 | LKB | 224.18CR | 2,792.92 |
| 5/19/2010 | CHG | 27.12 | 3,017.10 |
| 4/21/2010 | CHG | 27.12 | 2,989.98 |
| 4/12/2010 | TRF | 224.18CR | 2,962.86 |
| 3/18/2010 | CHG | 27.12 | 3,187.04 |
| 3/17/2010 | TRF | 400.00CR | 3,159.92 |
| 2/22/2010 | TRF | 803.34CR | 3,559.92 |
| 2/17/2010 | CHG | 653.28 | 4,363.26 |
| 2/09/2010 | LKB | 300.00CR | 3,709.98 |
| 1/25/2010 | CHG | 907.34 | 4,009.98 |
| 12/18/2009 | CHG | 426.94 | 3,102.64 |
| 11/18/2009 | CHG | 616.79 | 2,675.70 |
| 11/02/2009 | LKB | 246.30CR | 2,058.91 |
| 10/20/2009 | CHG | 246.30 | 2,305.21 |
| 10/01/2009 | TRF | 306.22CR | 2,058.91 |
| 9/21/2009 | CHG | 212.63 | 2,365.13 |
| 9/03/2009 | LKB | 100.00CR | 2,152.50 |

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COMMISSION

Kentucky American (KYPR) Production

Ledger Information Report

Account # 265577-7 Carlton Cole

| Bill Date | Type | Amount | Balance |
|------------|------|----------|----------|
| 8/27/2009 | LKB | 252.42CR | 2,252.50 |
| 8/20/2009 | CHG | 252.42 | 2,504.92 |
| 7/21/2009 | CHG | 319.78 | 2,252.50 |
| 6/18/2009 | CHG | 165.13 | 1,932.72 |
| 6/02/2009 | PMT | 500.00CR | 1,767.59 |
| 5/19/2009 | CHG | 198.96 | 2,267.59 |
| 4/21/2009 | CHG | 90.55 | 2,068.63 |
| 3/23/2009 | CHG | 272.97 | 1,978.08 |
| 2/24/2009 | CHG | 196.65 | 1,705.11 |
| 2/03/2009 | LKB | 107.57CR | 1,508.46 |
| 1/21/2009 | CHG | 107.57 | 1,616.03 |
| 12/18/2008 | CHG | 49.14 | 1,508.46 |
| 12/05/2008 | CHG | 117.16 | 1,459.32 |
| 11/18/2008 | CHG | 130.47 | 1,342.16 |
| 10/20/2008 | CHG | 127.94 | 1,211.69 |
| 9/29/2008 | PMT | 100.00CR | 1,083.75 |
| 9/19/2008 | CHG | 166.10 | 1,183.75 |
| 8/26/2008 | CHG | 138.12 | 1,017.65 |
| 8/25/2008 | CHG | 630.95CR | 879.53 |
| 7/21/2008 | CHG | 97.41 | 1,510.48 |
| 6/19/2008 | CHG | 102.50 | 1,413.07 |
| 5/20/2008 | CHG | 89.78 | 1,310.57 |
| 5/13/2008 | LKB | 300.00CR | 1,220.79 |
| 4/23/2008 | CHG | 771.63 | 1,520.79 |
| 3/19/2008 | CHG | 665.62 | 749.16 |
| 3/17/2008 | LKB | 263.53CR | 83.54 |
| 2/20/2008 | CHG | 263.53 | 347.07 |
| 2/13/2008 | LKB | 46.03CR | 83.54 |
| 2/13/2008 | CHG | 26.78CR | 129.57 |
| 2/04/2008 | LKB | 110.32CR | 156.35 |
| 1/21/2008 | CHG | 110.32 | 266.67 |
| 1/11/2008 | LKB | 152.79CR | 156.35 |
| 12/31/2007 | CHG | 152.79CR | 309.14 |
| 12/19/2007 | CHG | 54.04 | 461.93 |
| 12/06/2007 | LKB | 438.84CR | 407.89 |
| 11/20/2007 | CHG | 438.84 | 846.73 |
| 11/05/2007 | LKB | 187.40CR | 407.89 |
| 10/18/2007 | CHG | 187.40 | 595.29 |
| 9/27/2007 | LKB | 108.12CR | 407.89 |
| 9/20/2007 | CHG | 108.12 | 516.01 |
| 9/10/2007 | LKB | 142.94CR | 407.89 |
| 8/20/2007 | CHG | 142.94 | 550.83 |
| 8/02/2007 | LKB | 75.24CR | 407.89 |
| 7/26/2007 | LKB | 67.50CR | 483.13 |
| 7/20/2007 | CHG | 75.24 | 550.63 |
| 6/20/2007 | CHG | 67.50 | 475.39 |

Kentucky American (KYPR) Production

Ledger Information Report

Account # 265577-7 Carlton Cole

| Bill Date | Type | Amount | Balance |
|-----------|------|----------|---------|
| 6/04/2007 | LKB | 127.47CR | 407.89 |
| 5/21/2007 | CHG | 407.89 | 535.36 |
| 5/03/2007 | LKB | 160.32CR | 127.47 |
| 4/20/2007 | CHG | 170.01 | 287.79 |
| 3/20/2007 | CHG | 117.78 | 117.78 |
| 3/05/2007 | LKB | 76.44CR | .00 |
| 2/20/2007 | CHG | 76.44 | 76.44 |
| 2/16/2007 | LKB | 92.26CR | .00 |
| 1/19/2007 | CHG | 92.26 | 92.26 |
| 1/02/2007 | LKB | 36.91CR | .00 |

| | | | |
|------------|-------------|-------------|---------|
| Current | 31 - 60 | 61 - 90 | Over 90 |
| 263.19 | 2875.35 | .00 | 2160.14 |
| Aged Total | Unposted \$ | Adjustments | Balance |
| 5298.68 | .00 | .00 | 5298.68 |

November 10, 2004

Mrs. Carlton Cole
100 East 50th Street
Waldorf Towers
New York, NY 10022-6848

Re: Account number: 12-0265577-3
Address: 3177 Russell Cave Road, Lexington, KY

Dear Mrs. Cole:

Thank you for your November 10 telephone call regarding your water bill. You stated in our conversation that you mailed your payment of \$500.00 on the evening of November 8. We restored the water on the afternoon of November 10.

You have agreed to make \$500.00 payments each month in addition to new monthly bill charges. A payment agreement is described below, listing the dates that these payments are to be made. If you are not able to comply with the due dates listed in the agreement, please call me at the number below. I will try to modify the payment agreement to accommodate your needs. Please make sure that the payments are mailed within 7 days prior to the dates due, to allow time for processing.

Total balance due as of November 11, 2004 is \$1,813.47. The first installment of \$500.00 must be received in our office no later than November 15, 2004 to avoid shut off.

All subsequent payments will be divided up in increments of \$500.00 to be paid along with any newly incurred monthly charges no later than the 10th of each month.

| | |
|----------|---------------------------|
| 12/10/04 | \$500.00 plus new charges |
| 01/10/05 | \$500.00 plus new charges |
| 02/10/05 | \$313.47 plus new charges |

During our telephone conversation, you stated that you have experienced leaks on your service lines, and that in the past, we adjusted the bill for the lost water. When our customers experience unexpected leaks on their service lines, a credit adjustment is sometimes offered as a courtesy. Our records dating back to the year 2000 show that you have received an adjustment for an under ground leak each year for the past four years. It is reasonable for our organization to expect that a property owner properly maintains their plumbing, to avoid excess water loss due to leaks.

We understand that there are several water lines within your property, and that you experienced several leaks at different times in these water lines, but we can no longer continue to allow adjustments for lost water. The past adjustments are listed below.

| | | |
|----------|------------|--|
| 10/17/00 | \$ 426.40 | Credit adjustment for underground leak |
| 02/28/01 | \$1,137.73 | Credit adjustment for underground leak |
| 01/17/02 | \$ 947.95 | Credit adjustment for underground leak |
| 02/13/03 | \$ 571.24 | Credit adjustment for underground leak |
| 12/11/03 | \$ 278.20 | Credit adjustment for underground leak |

A total of \$3,361.52 has been credit adjusted in the past four years.

You stated that your plumber has now repaired all leaks. Those repairs should cause a reduction in your water bills in the future. If you have any questions about the agreement, please call me at the number listed below.

Sincerely,

Debbie Maurer
Performance Specialist-Escalation
American Water
P.O. Box 578
Alton, Illinois 62002

Telephone: 866-957-2886 Ext 4029
E-mail: dmaurer@amwater.com

cc: Bob Collington, Vice President of Customer and Shared Service, American Water
Larry Davenport, Director of Customer Service Center, American Water
Mary Quinones-Erwin, Manager of Billing and Collections, American Water Customer Service Center

November 16, 2004

Dear Mrs. Cole.

I attempted to send the letter enclosed through the UPS system, but it is lost in transit. Your payment of \$500.00 was received by our company on November 12, 2004. If you need to change the agreement that I have listed in the letter, please give me a call. I will be happy to accommodate according to your time frame.

Thank you,

Debbie Maurer
866-957-2886 Ext 4029



Jarold Jackson
2300 Richmond Road
Lexington, Kentucky 40502

P 859.268.6376
F 859.268.6374

December 29, 2009

Mrs. Carlton Cole
100 East 50th Street
Waldorf Towers
New York, NY 10022-6848

Re: Account number: 12-0265577-3
Address: 3177 Russell Cave Road, Lexington, KY

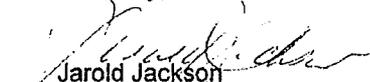
Dear Mrs. Cole:

This letter is in reference to the recent payment agreement you made with Kentucky American Water on August 31, 2009. As you know, the terms of the agreement stated that all current charges must be paid each month in addition to the arranged monthly payment of \$93.59. As of December 29, 2009, only one payment per this arrangement has been received and your bills for November and December have not been paid leaving a balance owed of \$3102.64. Because the terms of this agreement have not been met, the full outstanding balance is due immediately to prevent discontinuance of service to your property and must be received in our office by January 10, 2010.

In our last telephone conversation, you stated that you have experienced leaks on your water lines that have now been repaired by your plumber. Those repairs should cause a reduction in your water bills in the future. Unfortunately, we currently cannot make any adjustments for hidden underground leaks on your property. As stated in our tariff filed with the Kentucky Public Service Commission, "*During the lifetime of a water service line only two leak adjustments will be permitted. Each adjustment may cover a maximum of two billing periods. Before a third adjustment can be considered, the entire water service line from the meter box to the premise must be replaced.*" As you know, Kentucky American Water has made more than two adjustments for lost water on your existing line and can no longer consider any additional adjustments until your line has been totally replaced.

If you have any questions about the agreement, please call me.

Sincerely,


Jarold Jackson
Customer Advocate

Kentucky American Water

P.O. Box 578, Alton IL 62002
1-800-678-6301

09/01/2009

Cole, Carlton
100 E 50th St
New York NY 10022-6848

Account Number: 12-0265577-3
Premise Number: 120074529
3177 Russell Cave Rd Horse Farm

Dear Mrs Cole:

This is to confirm our agreement of Monday, August 31, 2009. We arranged for 24 payments totaling \$2252.50:

| <u>Due Date</u> | <u>Payment Amount</u> | <u>Due Date</u> | <u>Payment Amount</u> | <u>Due Date</u> | <u>Payment Amount</u> |
|-----------------|-----------------------|-----------------|-----------------------|-----------------|-----------------------|
| 09/04/2009 | \$100.00 | 09/13/2010 | \$93.59 | | |
| 10/01/2009 | \$93.59 | 10/14/2010 | \$93.59 | | |
| 11/02/2009 | \$93.59 | 11/15/2010 | \$93.59 | | |
| 12/03/2009 | \$93.59 | 12/16/2010 | \$93.59 | | |
| 01/04/2010 | \$93.59 | 01/17/2011 | \$93.59 | | |
| 02/04/2010 | \$93.59 | 02/17/2011 | \$93.59 | | |
| 03/08/2010 | \$93.59 | 03/21/2011 | \$93.59 | | |
| 04/08/2010 | \$93.59 | 04/21/2011 | \$93.59 | | |
| 05/10/2010 | \$93.59 | 05/23/2011 | \$93.59 | | |
| 06/10/2010 | \$93.59 | 06/23/2011 | \$93.59 | | |
| 07/12/2010 | \$93.59 | 07/25/2011 | \$93.59 | | |
| 08/12/2010 | \$93.59 | 08/25/2011 | \$93.52 | | |

Note, your scheduled payments must also include any current charges that are issued each month.

This payment arrangement is firm. All amounts due (both current and your payment plan) must be received by the due date. If payment is not received as scheduled your water service may be discontinued. If water service is discontinued, a reconnection fee of \$26.00 will be required, in addition to the full outstanding balance, to restore water service during normal working hours. If your financial circumstances change due to conditions beyond your control and you cannot keep the agreement, please contact Customer Service, to arrange for a new agreement, if eligible.

Please be sure to mail all payments to the address noted below. To ensure proper posting of your payment, we ask that you include the above account number on your remittance.

**Kentucky American Water
PO Box 371880
Pittsburgh, PA 15250-7880**

Should you have any questions or concerns about your payment agreement, please call our Customer Service Center at 1-800-678-6301. Our Customer Service hours are 24 hours a day, 7 days a week.



January 15, 2010

Mrs. Carlton Cole
100 East 50th Street
Waldorf Towers
New York, NY 10022-6848

Re: Account number: 12-0265577-3
Address: 3177 Russell Cave Road, Lexington, KY

Dear Mrs. Cole:

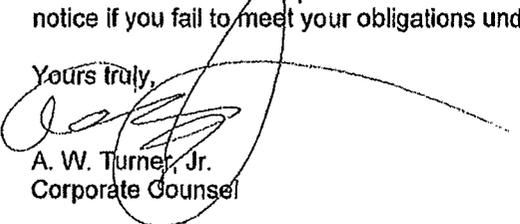
This letter is a follow-up to your recent conversations with Jarold Jackson. In August of 2009, you entered into a partial payment plan with Kentucky American Water for your overdue water bill at your Russell Cave Road horse farm. You missed several payments, and Mr. Jackson informed you last month that you had breached the agreement.

Pursuant to the Rules of the Kentucky Public Service Commission, "a utility is not required to negotiate a partial payment plan with a customer who is delinquent under a previous partial payment plan." 807 KAR 5:006, Section 13(2). Moreover, the same Rule provides "that service may be terminated without additional notice if the customer fails to meet the obligations of the plan."

Nevertheless, Kentucky American is willing to enter into one last payment plan with you. You must pay \$193.92 each month toward your delinquent balance of \$3,102.64, plus the full amount of your current bill. I understand you believe \$300.00 per month is all you would be able to pay, but that offer is not acceptable. Regardless of the amount of any current monthly bill, you must pay \$193.92, plus the full amount of the current bill, even if that total is more than \$300.00. Enclosed with this letter is a payment plan reflecting these conditions.

This letter serves as notice that breach of this new payment plan will result in disconnection of your water service. Kentucky American will not negotiate a new plan with you if you default on this one. As the rule quoted above states, your service may be terminated without additional notice if you fail to meet your obligations under this new plan.

Yours truly,



A. W. Turner, Jr.
Corporate Counsel

2300 Richmond Road, Lexington, KY 40502
859.268.6339

Kentucky American Water

P.O. Box 578, Alton IL 62002
1-800-678-6301

01/15/2010

Cole, Carlton
100 E 50th St
New York NY 10022-6848

Account Number: 12-0265577-3
Premise Number: 120074529
3177 Russell Cave Rd Horse Farm

Dear Mrs Cole:

This is to confirm our agreement of Thursday, January 14, 2010. We arranged for 16 payments totaling \$3102.64:

| <u>Due Date</u> | <u>Payment Amount</u> | <u>Due Date</u> | <u>Payment Amount</u> | <u>Due Date</u> | <u>Payment Amount</u> |
|-----------------|-----------------------|-----------------|-----------------------|-----------------|-----------------------|
| 01/30/2010 | \$193.92 | 01/28/2011 | \$193.92 | | |
| 03/01/2010 | \$193.92 | 02/28/2011 | \$193.92 | | |
| 03/31/2010 | \$193.92 | 03/30/2011 | \$193.92 | | |
| 04/30/2010 | \$193.92 | 04/29/2011 | \$193.84 | | |
| 05/31/2010 | \$193.92 | | | | |
| 06/30/2010 | \$193.92 | | | | |
| 07/30/2010 | \$193.92 | | | | |
| 08/30/2010 | \$193.92 | | | | |
| 09/29/2010 | \$193.92 | | | | |
| 10/29/2010 | \$193.92 | | | | |
| 11/29/2010 | \$193.92 | | | | |
| 12/29/2010 | \$193.92 | | | | |

Note, your scheduled payments must also include any current charges that are issued each month.

This payment arrangement is firm. All amounts due (both current and your payment plan) must be received by the due date. If payment is not received as scheduled your water service may be discontinued. If water service is discontinued, a reconnection fee of \$26.00 will be required, in addition to the full outstanding balance, to restore water service during normal working hours. If your financial circumstances change due to conditions beyond your control and you cannot keep the agreement, please contact Customer Service, to arrange for a new agreement, if eligible.

Please be sure to mail all payments to the address noted below. To ensure proper posting of your payment, we ask that you include the above account number on your remittance.

**Kentucky American Water
PO Box 371880
Pittsburgh, PA 15250-7880**

Should you have any questions or concerns about your payment agreement, please call our Customer Service Center at 1-800-678-6301. Our Customer Service hours are 24 hours a day, 7 days a week. Thank you for your cooperation.

Sincerely,

Customer Service

PAYAORCONA

38715404